

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JUNE 12, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794

Otay Acquisitions v. City of San Diego

San Diego Superior Court Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

San Diego Superior Court Case Nos. GIC 791407; GIC 805465

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session, the City Attorney will update the Council on the status of these matters.

CS-2 *William J. McGuigan v. City of San Diego*

San Diego Superior Court Case No. GIC849883

CA: M. Aguirre/D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney and retained counsel will update the Mayor and City Council on the litigation's status and discuss possible settlement of the litigation.

CS-3 *SDCERS v. Michael J. Aguirre, et al.*

Case No. GIC841845

And related Cross-Action

Consolidated with Cases GIC851286 and GIC 852100

CA M. Aguirre

In closed session the City Attorney will give the Council a status report on the pending litigation and request for authorization for outside counsel, Latham & Watkins, to assist the City Attorney's office in the pending summary judgment motions.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-4 *In the matter of City of San Diego Bond Offerings, the United States*

Securities & Exchange Commission No. LA-2842 Investigation into City Bond and Disclosure Practices

CDCA assigned: M. Blake

The U.S. Securities and Exchange Commission has been conducting an investigation into the City's bond and disclosure practices. In closed session, the City Attorney and retained counsel will advise the City Council on the progress of the investigation, status of the tentative draft consent decree, and legal and factual issues relating thereto.